

BIOLOGICAL ASSESSMENT
FOR THE MANAGEMENT OF FEDERAL LANDS ON THE NORTH SPIT OF COOS
BAY DURING THE 1999 WESTERN SNOWY PLOVER NESTING SEASON

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INTRODUCTION

The Bureau of Land Management (BLM) has managed federal lands on the North Spit of Coos Bay since 1984. Management direction for these public lands is provided by BLM's Coos Bay Shorelands Plan (USDI-BLM 1995). The Coos Bay Shorelands Plan (CBSP) provides guidance in managing for botanical, cultural and wildlife values as well as for recreational activities and public access.

The Army Corps of Engineers (ACOE) also owns federal lands on the North Spit of Coos Bay. One parcel of ACOE land is covered under the CBSP and managed by BLM according to the direction provided in that plan. The ACOE has not developed a management plan for the other public lands on the North Spit under its jurisdiction. These other ACOE lands are managed primarily to ensure and maintain the integrity of the North Jetty, to maintain existing navigational aids associated with the Coos Bay channel and for the benefit of the western snowy plover. The Oregon Department of Fish and Wildlife (ODFW) is licensed to manage these ACOE lands for fish and wildlife management purposes (under Department of the Army License No. DACW57-3-91-0014). ODFW has not developed a land use plan for these lands either but their intent is to conduct and support snowy plover habitat management and to provide for public hunting, fishing and clamming opportunities. Public access on one of the ACOE parcels is managed by BLM and on the other this is managed jointly by the ACOE and ODFW.

On February 4, 1999 the M/V New Carissa, a 639 foot freighter ship designed to carry wood chips, went aground about 3.1 miles north of the North Jetty of Coos Bay. The New Carissa grounded in shallow water a few hundred yards off BLM managed lands on the North Spit of Coos Bay. Attempts to burn fuel oil present on board the New Carissa resulted in the vessel being fractured into two pieces. On March 2, 1999 the 440 foot bow section of the ship was pulled away from the North Spit and taken out to sea. The stern section of the New Carissa is still

present just offshore of the North Spit. Significant amounts of oil were found on the stern section during the hazardous materials removal operation. The United States Coast Guard (USCG) and its contractors have completed their operations to remove oil from the 200 foot stern section. Oil has continued to leak from the stern of the New Carissa since the bow section was towed away, typically resulting in tarball episodes on the nearby North Spit beaches. The USCG has estimated that about 70,000 gallons of oil were released into marine waters during the Coos Bay phase of the New Carissa incident.

The New Carissa incident has impacted and will continue to impact Western snowy plover populations on the North Spit of Coos Bay in several ways. These include disturbance associated with all of the cleanup, monitoring and salvage activities on the North Spit related to the incident, direct oiling of snowy plovers and the continued presence of the stern section which serves as a strong attraction to the general public. During telephone conversations on March 12, 1999 between Carrie Phillips of the U.S. Fish and Wildlife Service (USFWS) and Coos Bay District BLM personnel the USFWS requested that formal consultation be completed before public access is restored to federal lands on the North Spit. The USFWS cited the New Carissa incident and the continued presence of the stern section as a fundamental change in the environmental baseline under which the BLM previously consulted for the CBSP (biological opinion 1-7-95-F-405) as a basis for this request. Conditions had changed significantly to the degree that the biological opinion for the CBSP was no longer valid in light of the New Carissa incident. Also except for some snowy plover specific management actions ACOE has not previously consulted with the USFWS on a general plan of public access and management for the ACOE land. This consultation is now required because of the ship grounding incident. Section 7 (a) of the Endangered Species Act (ESA) of 1973, as amended, directs federal agencies to ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitat.

The purpose of this biological assessment is to address public access management of federal lands on the North Spit of Coos Bay, in light of the New Carissa incident, and the effects on the Western snowy plover (*Charadrius alexandrinus nivosus*) and proposed critical habitat for this federally threatened species. The American peregrine falcon (*Falco peregrinus anatum*), brown pelican (*Pelicanus occidentalis*) and the Northern bald eagle (*Haliaeetus leucocephalus*) also occur on federal lands on the North Spit but since the proposed action is a no effect for these species and they will not be considered any further in this biological assessment.

The intent of this biological assessment is to cover management actions on federal lands on the North Spit for the 1999 snowy plover nesting season only. The management actions would be implemented after the USFWS issues a biological opinion and would continue until September 15, 1999. It is uncertain at this time how federal lands on the North Spit would be managed after September 15, 1999. Potentially management could revert to what it was before the New Carissa incident but this is an unknown at present.

Actions related to the cleanup and removal of the stern section of the New Carissa are being

consulted on separately between the USCG and USFWS. The USCG and USFWS are also consulting on removal of a channel buoy which washed ashore on the ocean beach about 1.25 miles north of the North Jetty.

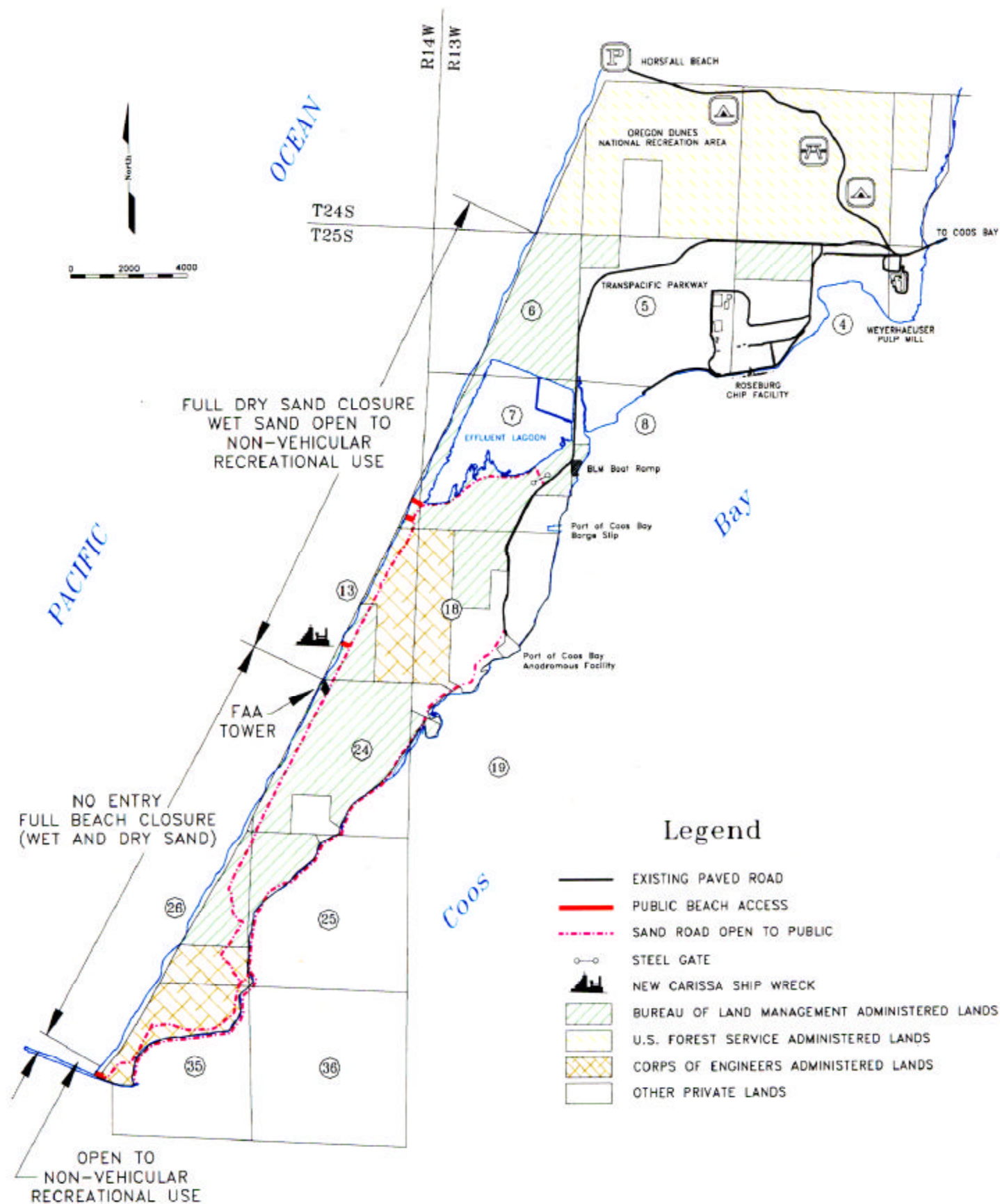
DESCRIPTION OF THE PROPOSED ACTION

Public lands managed by BLM on the North Spit of Coos Bay (Map 1) were closed in early February, 1999 shortly after the New Carissa ran aground under an emergency closure notice published in the Federal Register. This closure was implemented in response to a request from the Unified Command for the New Carissa incident. ACOE lands were not closed under a Federal Register notice but public access was effectively blocked off because they have BLM lands north of them and all the roads leading into these lands go through BLM land (Map 1). The BLM closure notice was amended on March 25, 1999 to allow for limited public access and recreational uses along the bayside of the North Spit. At present all other BLM lands on the North Spit remain closed to public access and use. A summary of the bayside access plan and a BLM bulletin with a map showing the area opened to public use is provided in Appendix A.

BLM and ACOE now propose to re-open federal lands on the North Spit of Coos Bay for the remaining part of the 1999 Western snowy plover nesting season to provide for public access and recreational use after concurrence from the USFWS through this formal consultation. Access and management for most of the BLM lands on the inland and bayside of the North Spit would be provided as per normal operations under the Coos Bay Shorelands Plan (1995). This includes the north parcel of ACOE land which the BLM was recently issued a permit to manage by ACOE. Access and management on the ACOE lands along the bayside, at the south tip of the North Spit and at the North Jetty would be the same as under normal operations.

During the 1999 snowy plover nesting season the BLM and ACOE propose a different approach to providing public access and management of federal lands on the North Spit along the ocean beach and in and near the snowy plover habitat areas. This change in management is warranted because of all the direct and indirect impacts to snowy plover populations from the New Carissa incident. These have included disturbance to snowy plovers from beach cleanup and monitoring efforts, wildlife monitoring to document oil exposure, surveys to document oil presence and law enforcement patrols. Also over 50% of the snowy plover wintering population on the Oregon coast was contaminated by oil and all of the snowy plovers nesting on the North Spit so far this breeding season have oil on them (D. Lauten pers. comm. 1999). There is still the threat of further oiling of snowy plovers as some oil continues to wash up on the North Spit ocean beaches in the form of fresh sticky tarballs. Finally the stern section of the New Carissa is still present and will apparently remain until fall of 1999. The stern section is a definite attraction to people interested in seeing it and hence human visitation to the North Spit is likely to be much higher in 1999 than in previous years. The following actions taken together comprise a management plan for snowy plover habitat areas on the ocean beach and inland portions of the North Spit for the remainder of the 1999 snowy plover nesting season:

1. Ocean beach management-temporary emergency beach closures- The Bureau of Land Management (BLM) will request permission from Oregon Parks and Recreation Department (OPRD) to close the ocean beach, both wet and dry sand, from the property line between the



Map 1 Location of BLM and ACOE lands, and 1999 ocean beach use restrictions for the North Spit

Army Corps of Engineers (ACOE) and BLM ownership north to the Federal Aviation Administration (FAA) tower (Map 1). No recreational activities would be allowed in this area during the snowy plover nesting season. The closure will extend from the time this plan is implemented to 15 September, 1999. The BLM also will request that the dry sand portion of the ocean beach from the FAA tower north to the property line between the BLM and the US Forest Service (USFS) ownership be closed to all forms of recreational use from the time this plan is implemented to 15 September, 1999. Finally the BLM will request that from the FAA tower north to the property line between the BLM and the US Forest Service (USFS) ownership the wet sand portion of the ocean beach will only be open to non-vehicular recreational uses (ie walking, horseback riding, jogging, etc.) from the time this plan is implemented to 15 September, 1999. No vehicle use will be allowed on this stretch of beach.

BLM requested these closures in a 29 March, 1999 letter to the OPRD. In a 15 April, 1999 letter OPRD granted BLM the authority to implement these closures as requested.

ODFW, acting in their capacity as licensed land manager for the southern ACOE lands, will request permission from OPRD to close the ocean beach, both wet and dry sand, from the property line between the BLM and ACOE ownership south to a point approximately 100 yards north of the North Jetty (Map 1). No recreational activities would be allowed in this area during the snowy plover nesting season. The closure will extend from the time this plan is implemented to 15 September, 1999. For the last 100 yards of ocean beach immediately north of the North Jetty ODFW will request authority to close the wet and dry sand portions of the ocean beach to all vehicle use (Map 1). However nonvehicular recreational activities (ie walking, horseback riding, jogging, fishing, etc.) would be allowed on this 100 yard stretch of beach on both the wet and dry sand.

South of the FAA tower limited foot access would be allowed in the beach sections with full closures for several functions. BLM, ODFW and other agency and contract wildlife biologists would be allowed to walk in the areas to conduct beach inspections, observe cleanup crew activities, pursue violators or perform administrative tasks (ie repair signs, ropes, etc). Other BLM personnel also would be allowed into the closed areas to perform administrative tasks as necessary. ONHP biologists would be allowed entry as part of their efforts to monitor snowy plover nesting. The beach cleanup crew working for the Responsible Party (RP) for the New Carissa incident would be allowed in the closed areas on foot as part of ongoing oil cleanup operations. USCG and Shoreline Cleanup Assessment Team (SCAT) personnel working for the RP would be allowed in the closed beach areas to conduct oil assessment and monitoring activities. Interagency beach inspection teams for the New Carissa incident also would need to walk in the closed areas to complete their inspections.

South of the FAA tower there would be a few exceptions to the general prohibition on vehicle use in this area. Law enforcement personnel and biologists with Oregon Natural Heritage Program (ONHP) who are monitoring the plover nesting population would both be allowed to drive vehicles in this section of beach. Law enforcement personnel need access into the closed beach sections to pursue violators who have entered them. They would be instructed to minimize

any potential for impacts while in the areas by riding on the lower wet sand portion of the beach. The ONHP biologists conducting monitoring work on nesting snowy plovers have a need to operate an All Terrain Vehicle (ATV) in the closed areas and would continue to employ good judgement in doing this based on several years of experience working with snowy plovers.

South of the FAA tower a few USCG personnel also may be permitted to drive vehicles as part of their role in the incident. This would occur if incorporated in the biological opinion that results from the ongoing consultation between USCG and USFWS. If this provision becomes part of the biological opinion then 2-3 USCG personnel could be approved by USFWS and ODFW to drive vehicles in this area of the beach.

In the unlikely event that new and significant quantities of oil wash ashore along the North Spit RP beach cleanup crews also could potentially be allowed to drive vehicles on the ocean beach south of the FAA tower. This would only occur if significant quantities of oil are released such that the negative aspects associated with allowing the vehicle access would offset the threat to snowy plovers of being exposed to the oil. RP cleanup crews would only be allowed to drive vehicles in this area if approved by wildlife response agencies (ie. USFWS, ODFW, BLM) involved with the New Carissa incident. They would be advised to travel the wet sand portion of the beach and to drive at slower speeds.

North of the FAA tower the dry sand portion of the beach would be closed to all entry however some exceptions would be allowed for foot entry. ONHP biologists would be allowed in these areas to search for nesting plovers. BLM, ODFW and contract wildlife biologists would be allowed in if necessary to perform beach inspections, pursue violators or perform administrative tasks (ie repair signs, ropes, etc). Other BLM personnel also would be allowed into the closed areas to perform administrative tasks as necessary. RP beach cleanup crews, SCAT team personnel, salvage crew personnel and interagency staff performing beach inspections also may need to enter these areas as part of legitimate work related to the grounding incident.

North of the FAA tower there would be some exceptions to the general prohibition against vehicle use on this section of the beach. Law enforcement officers and ONHP biologists would be allowed to drive vehicles on this section of beach. BLM monitoring personnel and BLM and ODFW biologists would be allowed to drive vehicles on the ocean beach north of the FAA tower to perform legitimate administrative duties. USCG personnel, cleanup crews working for the Responsible Party (RP), Shoreline Cleanup Assessment Teams (SCAT), beach inspection teams and stern salvage contractors also would be allowed to operate vehicles on this stretch of beach for purposes related to ongoing monitoring, oil cleanup, and salvage operations. All personnel driving vehicles on the ocean beach north of the FAA tower would be encouraged to stay towards the wet sand part of the beach and to travel at slower speeds.

After OPRD grants the agency beach closure requests a permit is required for all persons authorized to be within the closed areas. BLM will request the necessary permission letter from OPRD to cover all personnel with a legitimate need to be in the closed beach sections. Copies of the permission letter would be distributed to all appropriate personnel and they would be

instructed to carry it with them while working in the area.

2. Ocean Beach Access Points- There would be 4 authorized public access points to the beach under this management plan. Of these access points 2 would be near the southwest corner of the effluent lagoon, 1 would be near the New Carissa stern section and 1 would be near the North Jetty (Map 1). All the access points except the one near the North Jetty would be on BLM land. The access points on BLM land were improved in April with funding provided by the RP and are currently being used by RP cleanup and SCAT crews, USCG personnel, law enforcement officers and wildlife biologists as part of the New Carissa incident. These access points could require additional maintenance with a bulldozer to keep them open for New Carissa related work. If maintenance work is needed it could easily be completed in 1 day and would not result in disturbance to snowy plover habitat. Public use of these access points under this management plan would only be for non-vehicular recreational activities.

3. Temporary Closures of Public Lands- As previously discussed most BLM lands on the North Spit are still closed under a Federal Register closure notice. When BLM and ACOE/ODFW implement this management plan the existing closure notice would be rescinded except for the inland snowy plover habitat areas located on the south end of BLM ownership (Maps 2 and 3). These plover areas would remain closed under the revised Federal Register notice so that BLM has a legal means of enforcing the closure for plover areas and is able to cite any violators.

BLM has requested ACOE/ODFW to close all ACOE lands to public uses under an emergency closure notice similar to the existing BLM closure. If ACOE/ODFW are able to implement this the full closure would be in effect until the actions in this biological assessment are implemented. After these management actions are implemented the full closure would be rescinded for all ACOE land, except the inland snowy plover habitat areas (Maps 2 and 3). If this could be implemented it would provide a legal means to enforce closures of snowy plover habitat areas on ACOE land and allow law enforcement personnel to cite violators. At present there are no formal legal closures that apply to the snowy plover habitat areas on ACOE land. The Section 9 provision against take under ESA would apply to these areas since the snowy plover is a federally listed species. However take is typically difficult to prove under ESA except in the most blatant cases and hence the legal value it provides to prosecute violators is limited.

Under this management plan the inland snowy plover habitat areas at the south end of the North Spit (Maps 2 and 3) would be considered closed to the general public. There would be some exceptions to the general closure but entry would be on foot only. ONHP biologists monitoring snowy plover nesting activities would be allowed in to conduct their work. BLM, ODFW and other agency wildlife biologists would be allowed to walk in the areas to pursue violators or perform administrative tasks (ie repair signs, ropes, etc). Other BLM personnel also would be allowed into the closed areas to perform administrative tasks as necessary. Law enforcement officers would be allowed in the closed areas to pursue violators and remove them from the area.

4. Law Enforcement- The BLM, using funding provided by the RP, will arrange for a law enforcement presence on the North Spit ACOE and BLM lands. Funding provided by the RP is

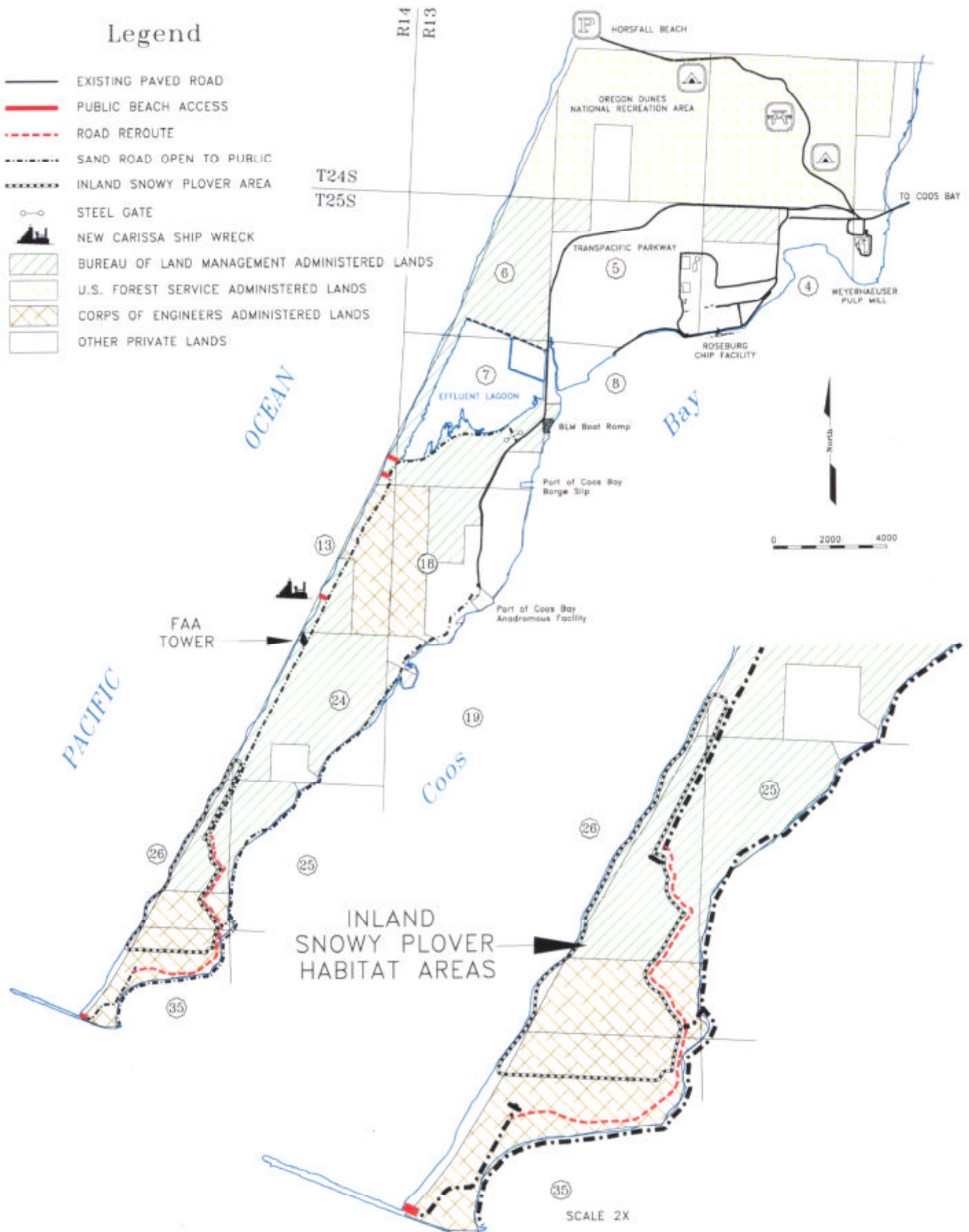


Image5

Map 2 Location of inland Snowy Plover habitat areas on BLM and ACOE North Spit lands.



Map 3. Location of snowy plover habitat areas, proposed reroute around them, and road blockades on BLM and ACOE lands on the North Spit.

sufficient to provide the equivalent presence of 1.5 full time law enforcement officers over the course of the 1999 snowy plover nesting season. A minimum of 40 hours per week of law enforcement coverage will be provided on the North Spit. Coverage will occur at least 6 days per week and up to 7 days per week for many weeks. This level of patrol effort would in all likelihood amount to a greater level of law enforcement presence on the North Spit than for any previous plover nesting season. Law enforcement staff patrolling the North Spit will include permanent BLM rangers, detail BLM rangers, Coos County Sheriff's Department reserves and possibly Oregon State Police officers.

Patrol hours will vary but will emphasize coverage during hours of the day when recreational activities on the North Spit are most likely to conflict with plover nesting activities. Extra emphasis will be placed on providing enhanced law enforcement coverage for the three key summer holiday weekends (Memorial Day, 4th of July and Labor Day). Additional personnel may be brought in to increase law enforcement presence on the North Spit.

To address current jurisdictional problems in terms of law enforcement the BLM will seek authority from the ACOE to enforce federal laws on the ACOE lands. To address a similar problem on the ocean beach BLM will seek authority from OPRD to enforce beach closures on the wet sand portion of the beach.

5. Compliance Monitoring Patrols- In addition to the law enforcement patrols another BLM employee would patrol BLM and ACOE lands during the snowy plover nesting season. This person would patrol at least two days per week with a main emphasis on covering the inland snowy plover habitat areas and the ocean beach. These patrols would be scheduled to minimize overlap with patrols by law enforcement personnel with the net effect of providing more of a BLM presence on the North Spit over a greater number of hours each week. The BLM patrol person would be in a full BLM uniform.

The BLM patrol person would observe public compliance with the closures for inland and ocean beach plover areas. All violations would be recorded and later incorporated in a monitoring report to be produced at the end of the nesting season. In addition to these duties this person would do any required repair or maintenance of signs, ropes fences, barriers, etc.

BLM or ODFW wildlife biologists also may do compliance monitoring patrols. These would likely occur on weekends, especially the three major summer holiday weekends. They would be in full uniform and note and record any violations. As part of these patrols they also would do repair or maintenance on signs, rope fences, etc if required.

6. ATV Use Restrictions- During the 1999 nesting season the general public would not be allowed to operate ATV's on federal lands on the North Spit that are part of this consultation. This approach is the same as for the bayside access management plan (Appendix A) where a similar prohibition against general ATV use was implemented. ATV's of various types (ie. 3-wheelers, quads, etc.) could not be used anywhere on the North Spit federal lands. The general public would only be allowed to use street legal vehicles for the 1999 nesting season. In this

biological assessment where there are discussions of general public access that include the term vehicle this refers to street legal vehicles only.

However ONHP biologists and law enforcement personnel would be allowed to use ATV's as part of their work. Other personnel performing legitimate duties related to the New Carissa incident also would be allowed to use ATV's. These include the BLM compliance monitoring person, RP cleanup crews, salvage crew members, beach inspection teams, SCAT team members and USCG employees. Also ACOE personnel involved in studies at the North Jetty and removal of dredge range markers would be allowed to use ATV's.

7. Road Access Management- During the 1999 nesting season the foredune road, south dike road and bayside road would all be open to vehicle traffic. For the general public this means street legal vehicles only. Vehicles would be allowed on these roads as per normal operations under existing management for the BLM and ACOE lands with a key exception. Vehicle traffic would be routed around the snowy plover Habitat Restoration Areas (HRA) along the east side of them (Map 3). Vehicle traffic would not be allowed to travel along a 0.9 mile portion of the foredune road that runs between the 1994 and 1995 HRA and between two different parts of the 1998 HRA. Vehicles also would not be allowed to travel a 0.2 mile portion of the sand road that runs between the 1994 HRA and the east part of the 1998 HRA. In previous years the public was allowed to drive vehicles on these portions of these roads. The net effect would be to keep all vehicle traffic on the perimeter of the HRA's and not allow traffic in the interior portion of them.

The only exceptions to the general prohibition on vehicle use on the roads between the HRA's is that ONHP biologists and law enforcement personnel would be allowed to operate ATV's on the 2 closed road segments. ONHP require access to these road segments to perform their duties in the most efficient manner. Law enforcement personnel need this access so that they are able to chase and remove violators.

As part of this effort to route vehicle traffic around the HRA's several blockades would be installed. These include 2 blockades on the foredune road, 2 along the sand road between the 1994 and 1998 HRA's, 2 on the northeast corner of the east portion of the 1998 HRA and 2 north of the east part of the 1998 HRA (Map 3). One of the blockades along the sand road running between the 1994 and 1998 HRA's would be a modified blockade. It would be modified to prevent access to the general public while allowing for ATV access for ONHP biologists and law enforcement personnel. This would be accomplished by constructing some type of gate that the general public could not get through and the passage would only be wide enough to accommodate an ATV.

Another exception to existing road management is that on ACOE land 2-3 short access roads that lead to the ocean beach will be blockaded to prevent vehicle access to the ocean beach (Map 3). All other minor roads on ACOE land would be open to vehicle traffic as under normal operations. Vehicle access would be allowed to the North Jetty and another access point immediately north of it, but they would not be allowed to drive onto the ocean beach (see Ocean Beach Management section above).

One other blockade would be built at the northeast corner of the west part of the 1998 HRA (Map 3). This is currently open and was used as a beach access point for incident cleanup crews. Blockades will be constructed with sand, large wood pieces, or a combination of both. Work would be done with a bulldozer with funding provided by the RP. The work on all blockades should not take more than 1.5 days of bulldozer time.

The existing blockades on the northeast part of the ACOE land related to the bayside access plan (Appendix A) would be left in place. However the bayside cable gate currently blocking vehicle access inland would be opened up or removed so that traffic could come through it.

Some other minor project work that would be completed as part of this management plan includes some brushing. There are 3 locations along the road reroute on the east side of the 1998 HRA that have dense vegetation encroaching on the road (Map 4). There would be some brushing work with a chainsaw at these 3 locations. The total distance brushed would not exceed 200 feet. A 3 person crew would complete the work, but only 1 crew member would be operating a chainsaw. The brushing should be completed in 1 day or less.

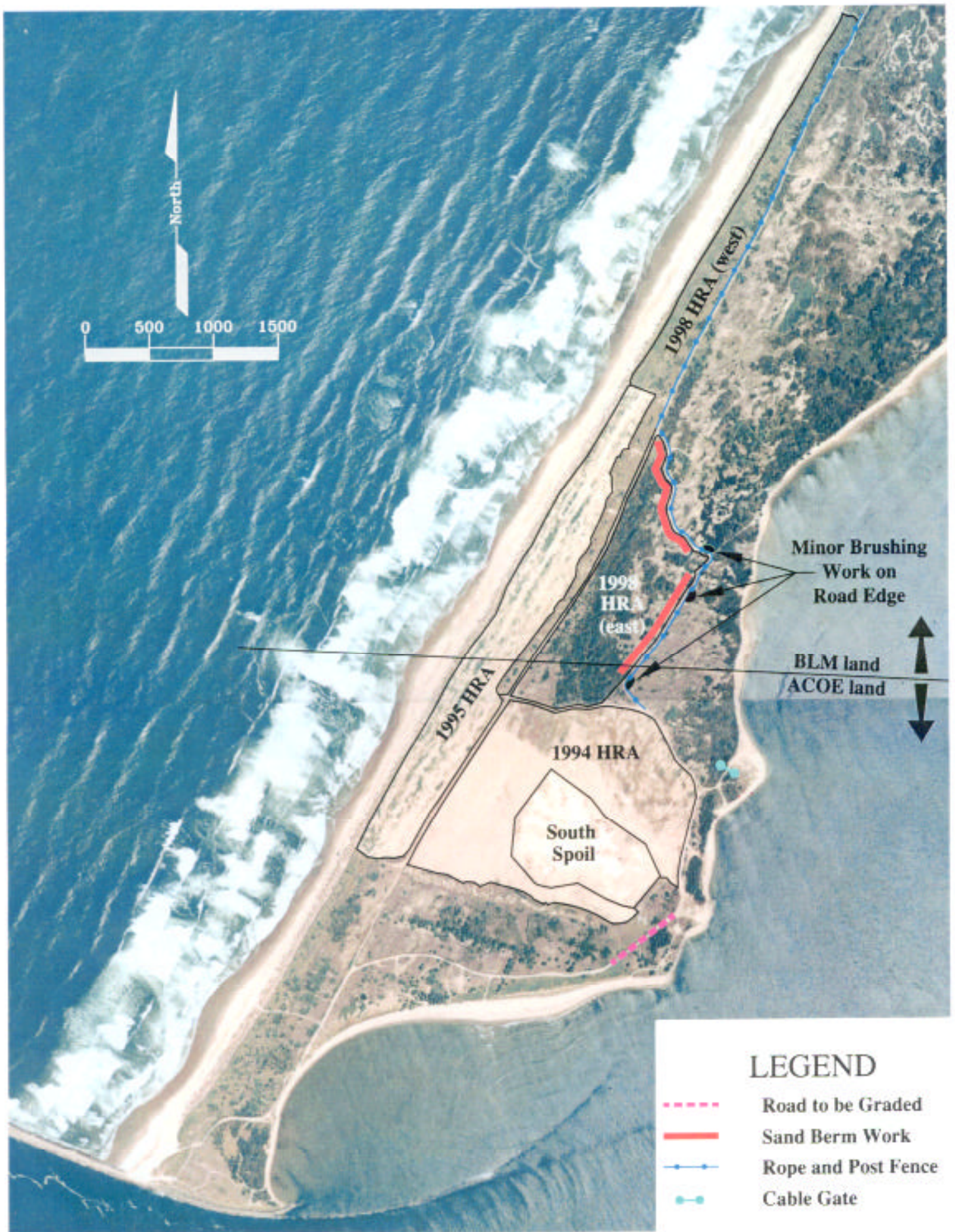
Finally there would be some minor road grading work along the road reroute on the ACOE land (Map 4). The length of road needing improvement is about 1/8 of a mile. This work would be done with a bulldozer with funding provided by the RP. This work should only take 2 hours or less to complete.

8. Construct Sand Berms- To discourage vehicles from driving on the east part of the 1998 HRA sand berms would be constructed along the east and north side of 1998 HRA (Map 4). The sand berms would be 6-8 feet high. A bulldozer would be used to complete the work with funding provided by the RP. Sand berms are not necessary along the northeast and southeast corner of the 1998 HRA since these locations are still covered with vegetation that will prevent off road travel. Also a sand berm has already been constructed all along the east edge of the other part of the 1998 HRA so this area has already been protected against off road travel. Construction work on the sand berms should take 2 days or less to complete.

9. Rope and Post Fences- To further discourage vehicle and foot traffic into the plover HRA's rope and post fences have been put up by BLM personnel along the north and east side of the of the east portion of the 1998 HRA (Map 4). BLM personnel also installed a rope and post fence along the east side of the west portion of the 1998 HRA (Map 4).

Other minor rope and post fences have been erected at 3 other key locations on the ocean beach. The fences were extended as far towards the wet sand portion of the beach as was practicable. The locations were at the property line between BLM and the USFS ownership (about 3 miles north of the FAA tower), at the FAA tower and at a point about 100 yards north of the North Jetty.

Other rope and post fences would be installed as part of this management plan. On the ocean beach a rope fence would be put up along the line between the wet and dry sand portions of the



Map 4. Location of sand berms, rope and post fences, and road improvements for road reroute on BLM and ACOE lands on the North Spit.

beach starting at the FAA tower. This rope fence would extend at least to the northwest corner of the effluent lagoon and if warranted all the way to the BLM-USFS boundary. This fence would be constructed to assist the general public in complying with the dry sand closure for this portion of the ocean beach.

Finally 2 minor rope and post fences would be installed near the North Jetty. The 2 fences would be put up at the point where 2 minor access roads leading to the ocean beach end at the seawall. The fences will be constructed so most recreationists can get through them but vehicles could not pass through them. These 2 roads provide access to the last 100 yard stretch of ocean beach north of the North Jetty that would be open to nonvehicular recreational uses.

10. Erect Appropriate Signs- Several types of signs would be erected at key locations as part of this management plan. Snowy plover “Do Not Enter” signs (Figure 1) would be placed at about 200-300 feet intervals around the perimeters of the 1995 HRA, 1998 HRA -east part and 1998 HRA-west part. These signs are already up on site all along the fence that surrounds the 1994 HRA and the South Spoil.

On the ocean beach Carsonite sign posts with the snowy plover “No Entry Beyond This Point” stickers (Figure 2) would be placed along the line between the wet and dry sand from the FAA tower north to the BLM-USFS boundary. These Carsonite sign posts would be placed at a spacing of at least 1 post every 200-300 feet. If warranted they could be placed at intervals of 1 every 100 feet.

Another sign type that would be put up is the snowy plover “Entering Snowy Plover Management Area” signs (Figure 3). These would be put up at authorized public beach access points and near the inland snowy plover habitat areas. The signs near these areas would be put up along the foredune and bayside access roads at key locations north, east and south of them.

At the authorized ocean beach access points signs would be erected that clearly inform the public that vehicles are not allowed on the ocean beaches during the snowy plover nesting season.

Finally the BLM, in conjunction with OPRD, would place signs at 3 key locations on the ocean beach. One location would be at the boundary between BLM and USFS ownerships. The sign here would explain that vehicle use south of this point on the ocean beach is not allowed. It would also inform the public that the dry sand portion of the beach for the next 3 miles is closed to all entry but that the public can use the wet sand portion of the beach for non-vehicular recreational activities. Signs also would be placed on the ocean beach at the FAA tower and at a point 100 yards north of the North Jetty. The signs here would inform the general public that the ocean beach south and north of these 2 locations respectively, is closed to all entry for the remainder of the snowy plover nesting season.

11. Public Tours Operations- BLM has authorized Spinreel Dune Buggy Rentals, Inc. to conduct public tours to and from the stern portion of the New Carissa through a special recreation use permit which expires September 30, 1999. The tour operation began in mid March and could

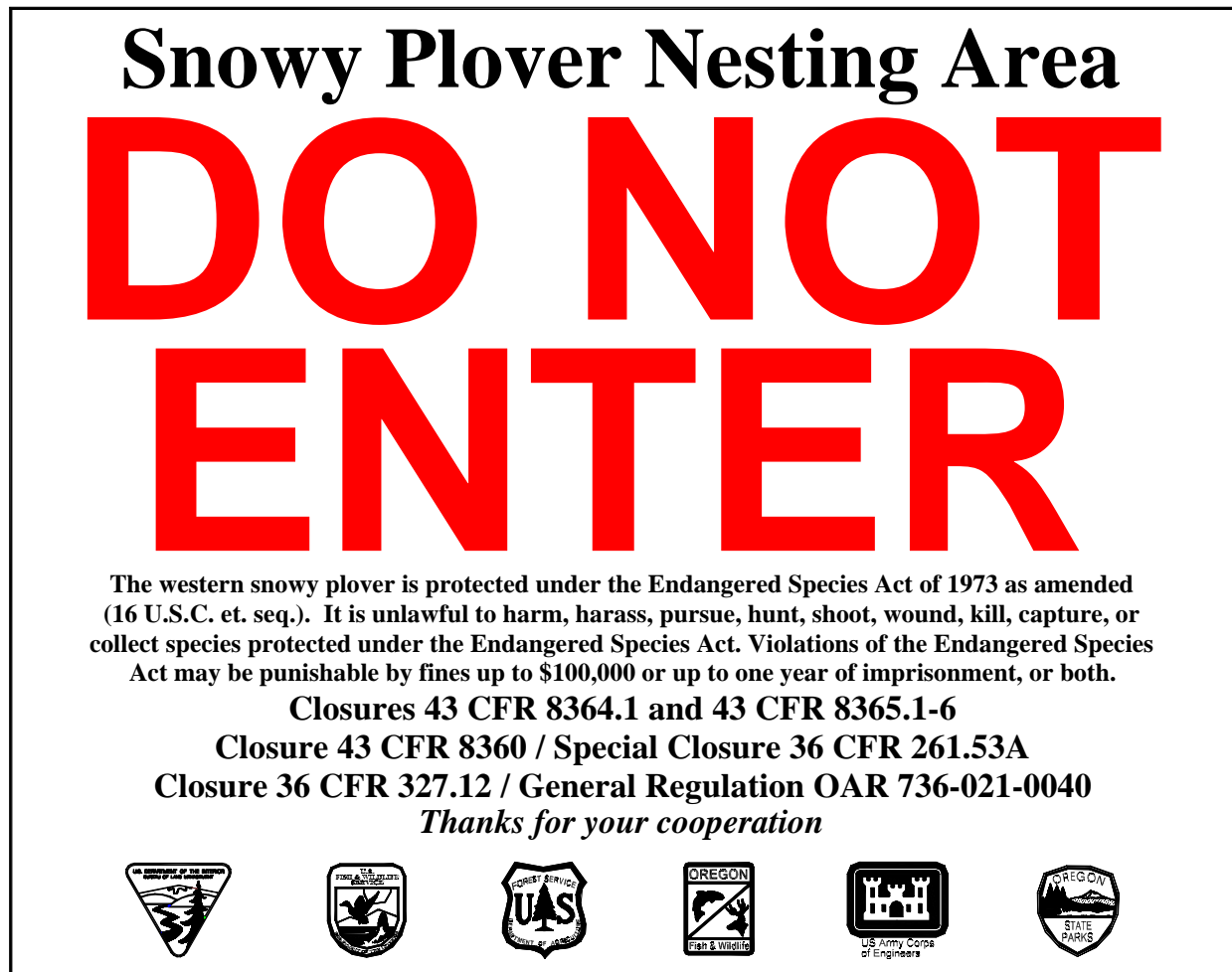


Figure 1. Example of snowy plover "Do Not Enter" sign; actual size of sign is 9 inches by 11 inches.



Figure 2. Example of snowy plover "No Entry Beyond This Point" sticker for Carsonite sign post. Actual sticker is about 3 inches by 16 inches long.



Figure 3. Example of snowy plover "Entering Snowy Plover Management Area" sign. Actual size is 1 foot high by 2 feet wide.

continue for most if not all of the snowy plover nesting season. Operations would continue as long as they are feasible for the company and in compliance with the permit issued to them. The tour has been in operation about seven weeks and about 500 people per month have taken it. The number of people taking the tour is expected to increase significantly for the summer months.

The tour company transports people to and from public viewing areas in the vicinity of the stern section in a four wheel drive vehicle. The tour vehicle only goes to and from the viewing areas.

There are two viewing areas the company uses depending on the status of operations related to the removal of oil/hazardous materials from the stern section. One of these is a staging area used by the media earlier in the New Carissa incident that is about 0.7 north of the FAA tower. The other is another former incident staging area that is about 0.2 miles north of the FAA tower and immediately south of the stern section. This is the primary viewing area used by the tour company. BLM has erected interpretive signs at this location including one for the western snowy plover (Oregon coastal treasures sign) and another interpreting the New Carissa ship incident. In addition to interpretive signing provided at the viewing area BLM provided the tour company with copies of the "Sharing the Beach" brochure produced by the Oregon Snowy Plover Working Team to distribute to people taking the tour. The tours are only conducted during daylight hours and the tour company is responsible for supervising people taking the tours.

There is a beach access ramp just north of the primary viewing area. When the ocean beach is opened up to public access people taking the tour would be able to walk down this ramp to the beach in the vicinity of the New Carissa stern.

12. Provide Public Information- As part of implementing this management plan, BLM, in conjunction with ACOE, ODFW and the International Port of Coos Bay, would produce news releases notifying the public that federal lands on the North Spit are now open to recreational uses. These news releases could be distributed through various media including newspapers, radio and television. The news releases would include a description of what areas are open and which are still closed, a warning that public access could be closed again if there is a lack of compliance with the plan and repeated violations occur, and information about the snowy plover including why there are concerns for this species.

BLM also would update the bulletin produced for the bayside access plan (see Appendix A). The bulletin would explain the concerns for snowy plovers and why some access is still restricted, explain restrictions and request public compliance with them and state what measures might be undertaken if the public does not comply. The bulletin also would include an updated map showing restricted areas on the ocean beach, inland areas and the road reroute around the snowy plover areas. This bulletin would be made available to the public through a wide variety of outlets including agency offices, Chamber of Commerce visitor centers and other appropriate tourist outlets.

As part of the bayside access plan (Appendix A) BLM erected two informational sign boards on the North Spit. The sign boards provided all the information that appeared in the informational

bulletin. BLM would update the sign boards with new information and maps consistent with this management plan. Additionally BLM would post this same information on or near the existing bulletin board located by the entrance to the south dike road off of the TransPacific Highway.

13. Other Potential Closures of Federal Lands- The RP for the New Carissa incident will be conducting beach cleanup operations during at least part of the remaining snowy plover nesting season. Also it is likely that the stern salvage operation, when it begins, will continue for most, if not all, of the nesting season. It is possible that the RP may request that the BLM and ACOE/ODFW close portions of the ocean beach or the foredune road to all public access due to safety or logistical concerns related to beach cleanup and/or stern salvage operations. If the RP requests these type of closures BLM and ACOE/ODFW would comply and public notices would be issued. Closures could be readily implemented since the RP has already funded construction of a steel gate near the entrance to the south dike road (Map 1) and a cable gate on the bayside near the northeast corner of the ACOE land (Map 4).

14. Prescribed Burn Preparation for Habitat Improvement- In 1998 BLM initiated a habitat restoration project on BLM and ACOE lands on the North Spit. The major purpose of the project was to provide more open sand dune habitat that plovers could use for nesting and to eliminate cover or perches for various plover predators. Vegetation cleared from the project sites and placed in piles on or near them would be burned after the 1999 snowy plover nesting season is over. In preparation for this prescribed burn operation some work may need to be completed in mid to late August adjacent to the 1998 HRA (west part).

The work involves covering the vegetation piles with black plastic and would be done by a BLM work crew of 2 to 4 people. In some cases limbs or branches sticking out from the piles would need to be cut with a chainsaw so that the plastic sheeting can be fitted over them properly. The work is expected to take about 2 -3 days to complete. Chainsaw use would be intermittent during the project rather than constant and cutting would be done only as necessary to shape the piles so the plastic fits. If it is needed this work would be completed for about 36 burn piles located on the east side of the foredune road opposite the west part of the 1998 HRA (Map 3). If these piles are left where they presently occur then BLM would need to cover them in August. If however these materials are moved and consolidated on the 1998 HRA (west part) for burning then it will not be necessary to cover them in August and there would be no risk of disturbance to snowy plovers since the work could wait until September when the nesting season is over.

Prior to implementing this project BLM would consult with ONHP biologists monitoring snowy plover nesting on the North Spit to see if they have any concerns. If the ONHP biologists have concerns then the project work would be modified or delayed to address them.

Biological Assessment-Management Plan Thresholds

The following thresholds would be used as trigger points such that if they occur BLM and ACOE would reinitiate consultation with USFWS and consider public closures of all or portions of

federal lands on the North Spit. These thresholds will serve to guard against unacceptable impacts to snowy plovers and include the following:

- If 1 snowy plover nest is destroyed by illegal vehicle use on the ocean beach.
- If 1 snowy plover nest is destroyed by authorized recreational users (ie. nonvehicular recreationists such as walkers, joggers, people with dogs, horseback riders, etc.) on the ocean beach.
- If there is 1 incident of tampering with, removal, or destruction of exclosures put up around a snowy plover nest on the ocean beach.
- If there is 1 or more incidents where a violation of the closures for the ocean beach by a single or multiple recreational users (whether authorized or unauthorized) such that in the combined opinion of state, federal and ONHP wildlife biologists a single snowy plover pair or multiple pairs have been effectively excluded from nesting and that a take under ESA has occurred.
- If 1 snowy plover nest is destroyed by illegal vehicle use on any of the inland snowy plover habitat areas.
- If 1 snowy plover nest is destroyed as a result of unauthorized entry by a walker, jogger, horseback rider, person with dog, etc. (ie. nonvehicular recreational use) into any of the inland snowy plover habitat areas.
- If there is 1 incident of tampering with, removal, or destruction of exclosures put up around a snowy plover nest at any of the inland snowy plover habitat areas.
- If there is 1 or more incidents where a violation of the closures for the inland snowy plover habitat areas by a single or multiple recreational users (whether authorized or unauthorized) such that in the combined opinion of state, federal and ONHP wildlife biologists a single snowy plover pair or multiple pairs have been effectively excluded from nesting and that a take under ESA has occurred.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

BLM manages about 1462 acres on the North Spit of Coos Bay immediately south of the USFS Oregon Dunes National Recreation Area and adjacent to the cities of Coos Bay and North Bend within Coos County, Oregon (Map 1). This includes 1148 acres owned outright by BLM and another 314 acres owned by ACOE but managed by BLM through the authority of Department of the Army Permit No. DACW57-4-99-0028 (issued to BLM on May 3, 1999). Access to these lands on the North Spit is via U.S. Highway 101 and the TransPacific Parkway.

There are a wide variety of habitats present on BLM lands on the North Spit including: fresh-water and salt-water marshes, sedge meadows, sandy beaches, sand dunes, dredge spoils, upland grass, shrub and grass-shrub communities and coniferous forest (Ruediger 1988, USDI 1995). The introduction of non-native plant species such as European beachgrass (*Ammophila arenaria*), gorse (*Ulex europaeus*) and scotch broom (*Cytisus scoparius*) in the last century has altered the vegetation on the North Spit and has contributed to many of the current natural resource concerns. The BLM recognizes that establishment of European beachgrass has altered recent historical geologic processes and that restoration of those processes is contingent upon beachgrass control (USDI 1995).

Under the CBSP BLM lands on the North Spit are managed as a predominantly natural area that conserves botanical, cultural and wildlife resource values while providing educational, interpretive and recreational opportunities for the benefit of local and regional visitors and economies. The objective of the CBSP is to provide a broad range of recreational opportunities while simultaneously managing for the protection, maintenance, and rehabilitation natural systems present on the area (USDI 1995).

ACOE owns a total of 619 acres on the North Spit which are divided into 2 parcels (Map 1). The north ACOE parcel (314 acres) managed by BLM is mostly open sand dune and upland grass habitat. Other habitat types present on this parcel include: freshwater marsh, shrub and grass-shrub communities. The south ACOE parcel (305 acres) is located at the end of the North Spit (Map 1). Habitat types present on this area include open sand dune, sedge meadow, dredge spoils, upland grass, shrub and grass-shrub communities and small conifer forest islands.

Western Snowy Plover

The Pacific Coast population of the western snowy plover was listed as a threatened species under ESA in March 1993 (USFWS 1993). Poor reproductive success resulting from human disturbance, predation and inclement weather, in combination with the loss of nesting habitat attributed to the establishment of the exotic European beachgrass and urban development, were cited as factors contributing to the decline of the Pacific coast population of snowy plovers (USFWS 1993). Currently it is estimated that about 2000 snowy plovers breed along the Pacific coast of the United States and at least another 2000 along the west coast of Baja California (USFWS 1999). A detailed summary of the taxonomy and life history of this population occurs in the listing Final Rule for the western snowy plover (USFWS 1993).

In Oregon, snowy plovers historically nested at 29 locations on the coast (USFWS 1993). By 1998 there were only 7 areas on the Oregon coast where plovers still nested (Castelein et al 1998) representing a 76% decline in the number of active breeding sites for the coastal population. The 1998 breeding season population estimate of 97 snowy plovers present on the Oregon coast was down about 30% from the 1997 population level (Castelein et al. 1998). This represented a reversal in what had been an increasing trend in the breeding season population over the previous 3 seasons and is therefore a concern. This population decrease may be due to severe winter storms and possibly El Nino effects that have contributed to higher than normal overwinter

mortality (Castelein et al. 1998). Snowy plovers also winter on Oregon's coast (USFWS 1993).

Snowy plover occurrence and nesting on the North Spit of Coos Bay has been well documented (Casler et al. 1993, Castelein et al. 1997, Castelein et al. 1998, Craig et al. 1992, Estelle et al. 1996, Hallett et al. 1994, Hallett et al. 1995, Ruediger 1988, Stern et al. 1990, Stern et al. 1991, Wilson-Jacobs and Dorsey 1985 and Wilson-Jacobs and Meslow 1984). Snowy plovers use a variety of habitats on the North Spit for nesting and wintering (Castelein et al. 1998, Ruediger 1988 and Wilson-Jacobs and Dorsey 1985). The most intensive monitoring efforts for nesting snowy plovers on the Oregon coast have occurred from 1990-1998. During this period the combined productivity of the North Spit habitat areas, expressed in terms of number of young fledged per year, has been greater than for any other coastal site (Table 1). The North Spit sites have accounted for 45% of all the snowy plover young fledged on the coast during this time period (Table 1). Habitat areas on the North Spit for the snowy plover include: South Beach, South Spoils, North Spoils, 1994 HRA, 1995 HRA and 1998 HRA

South Beach: The south beach is the last 2.5 miles of ocean beach on the south end of the North Spit. Management of this beach is divided between 3 different agencies. ACOE is the owner of the dry sand part of the beach for the first mile and BLM is the owner for the next 1.5 miles on the north end of it. The wet sand portion of the beach is under state ownership for the full length and is under the direct management authority of OPRD. This divided ownership creates challenges in managing the beach to benefit plovers.

Snowy plovers have historically nested along this beach and in the most recent breeding season 6 nests were located here (Castelein et al. 1998). However the most important values of this beach to snowy plovers are probably as wintering habitat and feeding habitat during the nesting season (Wilson-Jacobs and Dorsey 1985).

There have been continuing conflicts on South Beach between vehicle traffic and nesting snowy plovers (Craig et al. 1992, Hallett et al 1993 and Castelein et al. 1998). In 1998 BLM put up a rope fence along most of this beach (about 80% of it) after repeated violations of the seasonal dry sand closures by recreationists (most were vehicular violations). The rope fence was put up near the line between the wet and dry sand portions of the ocean beach. Erecting the rope fence proved beneficial as few violations of the dry sand closure occurred after it was put up.

South Spoil: The 26 acre south spoils site is located on ACOE land on the south end of the North Spit (Map 3). It was first created in 1978 when the ACOE deposited dredge materials on the site.

In 1991 ODFW erected a fence around about 20 acres of this dredge spoil site to keep out mammalian predators of the snowy plover. Another purpose in erecting the fence was to keep out ATV and other recreational traffic. By 1997 this fence was still an effective deterrent to people and vehicles but it had deteriorated and numerous holes were present so that it no longer functioned as a barrier to mammalian predators. In the winter of 1998 ACOE with the assistance of BLM tore down most of the existing fence and replaced it with a new fence that encompassed both the South Spoil and the 1994 HRA. The net effect was an increase of fenced habitat from 20

acres to 71 acres.

Since the dredge spoil was created there have been a variety of management actions on the area to control European beachgrass. These include several hand pulling efforts, some control burning, subsoiling and disking on the east end of it and several herbicide applications. About 30% of the South Spoil was treated during a salt water irrigation project conducted by ACOE in summer 1996. Several areas within the site are presently unsuitable for nesting plovers as dense clumps of European beachgrass have become established there. The site requires continuous management to control beachgrass since it would eventually become unsuitable for nesting without these efforts.

Between 1990 and 1998 a total of 89 young fledged off the South Spoil, which is about 28% of all young fledged during the period, making it the single most productive site on the Oregon coast (Table 1). In 1998 there were 5 nests on the South Spoil area and a total of 6 young were fledged from these nests (Castelein et al. 1998). There were fewer nests on the South Spoil area in 1998 than on the adjacent 1994 HRA. This was probably a result of plovers shifting their nesting activities in response to the removal of the fence that formerly enclosed it (Castelein et al. 1998).

North Spoils: These former dredge spoil sites are located on BLM land. One area is a 10 acre site located along the west side of the TransPacific Parkway immediately north of both the entrance to the south dike road and the steel gate (Map 1). The other is a 3 acre site just south of the BLM boat ramp (Map 1) and across the TransPacific Parkway from the 10 acre site.

A fence was erected around 3 sides of the 10 acre spoil area in 1988 because of concerns about conflicts between nesting snowy plovers and off-road vehicle traffic (Ruediger 1988). Other management actions initiated by BLM to maintain the site included hand pulling of beachgrass, mechanical removal of beachgrass with heavy equipment and prescribed fire. These efforts ended about 1993 and the site has not been maintained since. European beachgrass currently covers most of the site.

The North Spoils have been used in the past for nesting (Ruediger, 1988 and Wilson-Jacobs and Dorsey 1985) by snowy plovers. The last time nesting occurred at the 10 acre site was 1992 (Craig et al. 1992). The lack of nesting activity since 1992 can be attributed primarily to heavy encroachment of the site by European beachgrass. Other factors that make the site undesirable include a fence that has fallen into disrepair and the vehicle traffic on the adjacent sand roads and TransPacific Parkway.

Table 1. Number of western snowy plover young fledged on the Oregon Coast, 1990-98^a.

Site	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Sutton							0	1	1	2
Siltcoos: North Spit					0		0	0	2	2
South Spit					1	2	0	0	4	7
Tahkenitch					1	11	8	7	1	28
Tenmile: North Spit					0	1	0	0	0	1
South Spit			11	8 ^b	3	2	4	4	3	35
Coos Bay North Spit:										
South Spoil	3	2	4	12	16	17	21	8	6	89
South Beach		11	9	2	7 ^b	1	2	7	2	41
Habitat Restoration Areas	N/A ^c	N/A ^c	N/A ^c	N/A ^c	7	2	1	1	1	12
Bandon		1	2	3	5 ^b	0	1	0	1	13
Floras Lake/ New River overwash	1		4	11	9 ^b	6	1	4 ^b	0	36
New River Spit			2		8 ^b	12	7	10	11	50
Total	4	14	32	36 ^b	57 ^b	54	45	42 ^b	32	316

^a Data source = Castelein et al. 1998

^b Modified since the 1993, 1994, and 1997 Final “*Snowy plover nesting and reproductive success along the Oregon coast*” reports. Modifications are based on sightings of color-banded individuals from winter 1994/1995, 1995 and the 1998 breeding season.

^c N/A= Not applicable since these habitat restoration areas did not exist prior to 1994

1994 HRA: The 1994 HRA surrounds the South Spoil and occurs entirely on ACOE land (Map 3). It is about 45 acres in size. The 1994 HRA was created in March, 1994 when the area was burned and leveled with a bulldozer. The objective was to remove predator cover, remove encroaching beachgrass and expand on the existing South Spoil site thus creating an area for the plover to nest within that is large enough to lessen possible detection of nests and chicks by predators.

The 1994 HRA has received a wide variety of other treatments since it was created. These have included hand pulling, subsoiling, prescribed fire, disking and herbicide application to control beachgrass. In summer 1996 ACOE executed a salt water irrigation project which resulted in salt water being applied to about 60% of the 1994 HRA in another attempts to control European beachgrass. In 1998 and 1999 oyster shell hash provided by a local oyster grower was distributed on the HRA in a joint BLM-ACOE-ODFW project.

The 1994 HRA was used almost immediately by the plovers as there were 4 nesting attempts in the 1994 season and it was also used that season by all the plovers that nested on the South Spoil for brood rearing (Hallett et al. 1994). From 1995 to 1997 it was used for both nesting and brooding (Hallett et al. 1995, Estelle et al. 1996 and Castelein et al. 1997). There were 6 nests on the area in 1998 (Castelein et al. 1998) marking the first time since it was created that there were more nests on this area than on the adjacent South Spoil area.

1995 HRA: The 1995 HRA occurs just inland from the South Beach area and is immediately west of the 1994 HRA (Map 3). It is about 35 acres in size with about half of the total occurring on BLM land and the other half on ACOE land.

The 1995 HRA was created in February 1995 using the same method that was used to create the 1994 HRA. As for the 1994 HRA the objective was to remove all existing vegetative cover which provided cover for plover predators. Other key objectives were to link the South Spoil and South Beach areas and to in general create additional open sand areas for plover nesting and brood rearing. Since the area was created the only method used to control vegetation of the area is disking.

Snowy plovers nested on the 1995 HRA during the 1995 nesting season (Hallett et al. 1995). It was used in both the 1997 and 1998 nesting seasons for both nesting and brood rearing (Castelein et al. 1997 and Castelein et al. 1998). It appears the main value of this area is for brood rearing (D. Lauten pers. comm. 1998) although the area has not received as many treatments to control the regrowth of grass as has the adjacent 1994 HRA nor has an shell hash been added to it.

During the nesting season there has been unauthorized recreational use within the area although the level has not been as high as for the adjacent South Beach area. Still there were occasions during both the 1997 and 1998 nesting season when ATV's drove across the area in the vicinity of nests. The sand berm around it's perimeter effectively excludes four wheel drive vehicles but is not enough of a deterrent to ATV's.

1998 HRA: The 1998 HRA has an east part and a west part. The east part is north of the 1994 HRA and the west part is immediately north of the 1995 HRA and essentially a part of it (Map 3). The

total acres for the 2 parts is about 60 with 53 acres on BLM land and the other 7 on ACOE land.

The objectives for creating the 1998 HRA were similar to those for the 1994 and 1995 HRA's. The intent was to remove existing vegetation (grass, grass-shrub, shrub and tree island communities) and eliminate hiding and perching habitat for plover predators and to create more open sand dune habitat that they can use for nesting and brooding. Another objective is to retain and enhance existing sedge wetland features present on the east part thereby providing habitat for other shorebirds and wildlife species that will benefit from this.

Work on the 1998 HRA was conducted from early December 1998 to early January, 1999 and again from late February to early March, 1999. Project work began with attempts to do prescribed burning on the west part. After this a bulldozer and excavator were brought in to remove trees and shrubs and place them in piles for burning. A bulldozer was used to level the areas so that BLM would be able to do followup disking treatments to inhibit regrowth of vegetation. Work on the west part has been completed but the east part requires additional treatment. If funding is available the project will be finished in fall 1999.

Since the west part of the 1998 HRA is complete it could be used for nesting and brood rearing during the 1999 nesting season. This is quite probable given that the adjacent 1995 HRA has been used for these purposes the last several breeding seasons. In contrast snowy plovers will probably not use the east part this breeding season as there are many vegetation piles present on the area that provide cover for plover predators. Also there is still some clearing and leveling work yet to be done on the east part.

Proposed Snowy Plover Critical Habitat- On March 2, 1995 the USFWS published a Proposed Rule designating critical habitat for the Pacific coast population of the western snowy plover (USFWS 1995). Their proposed designation of critical habitat for the coastal population of the western snowy plover is based on the following physical and biological features, and primary constituent elements:

- Space for individual and population growth.
- Food, water, air, light, minerals, and other nutritional or physiological requirements.
- Roost sites.
- Sites for breeding, reproduction, and rearing of offspring.
- Habitats (nesting grounds and feeding sites) that are protected from disturbance and are representative of the historic geographical and ecological distribution of the species.

In their Proposed Rule the USFWS also provided a list of 7 types of activity that could adversely affect proposed critical habitat of the coastal population of the western snowy plover (USFWS 1995). Of the categories listed the one that relates directly to the proposed management plan for the North Spit is projects or management activities that cause, induce, or increase human-associated disturbance on beaches (USFWS 1995). These activities may reduce the functional suitability of nesting, foraging, and roosting areas (USFWS 1995).

The Proposed Rule identified 28 critical habitat areas along the coast of California, Oregon and Washington as critical habitat for the coastal population of the western snowy plover (USFWS

1995). Of the 28 critical habitat areas 7 were proposed for Oregon (USFWS 1995). The Oregon critical habitat unit that applies to the North Spit is OR-6 which was labeled as Horsfall Beach to Coos Bay, Coos County and was divided into 3 units (USFWS 1995). Unit 1 of OR-6 covers the entire ocean beach from Horsfall to the North Jetty of Coos Bay and all of the federal lands at the south end of the North Spit. This would include ocean beach on both the BLM and ACOE administered lands as well as inland snowy plover habitat areas. Unit 2 of OR-6 also applies to the North Spit (USFWS 1995). This unit includes the 13 acres of dredge spoils on BLM land near the boat ramp and entrance to the south dike road. Unit 3 of OR-6 does not apply to the North Spit as this is the Bastendorf Beach area which is located south of the South Jetty of Coos Bay.

EFFECTS OF THE PROPOSED ACTION

Western Snowy Plover

Direct Effects- Implementing the proposed management plan will have direct effects on the snowy plover. Closing the wet and dry sand beach south of the FAA tower and the dry sand portion north of it, not allowing any vehicles on the ocean beach, restricting ATV use, putting up rope and post fences, closing spur roads with blockades, constructing sand berms, and keeping the temporary closure in place for inland plover areas would better protect nesting plovers from disturbance and give them a greater chance to nest successfully. Putting up more signs on the North Spit and providing updated information through news releases, bulletins and sign boards also should benefit the snowy plover by making the public more aware of areas they need to avoid and thereby result in better compliance with the closures. Making the public more aware of the plight of the snowy plover may also help build increased support for conserving the species.

Providing an increased law enforcement presence on the North Spit that would be much greater than in previous seasons should result in better all around compliance with closures for key plover areas. This should translate into fewer violations since people would realize there is a greater chance of being caught than in previous seasons. Ultimately with fewer violations occurring plovers should have increased chances for successful nesting.

Rerouting the road around the inland snowy plover areas should significantly reduce any potential for disturbance that is associated with all types of traffic since it would all occur on the periphery of the plover areas instead of in between them as in past seasons. However bulldozer work to construct sand berms, road blockades and grade a section of road does have some potential to generate noise disturbance to nesting snowy plovers. Chainsaw use to brush portions of the road reroute to make it more passable and to shape piles on the 1998 HRA in August also have the potential to disturb snowy plovers nesting on adjacent areas.

Indirect Effects- There are many potential indirect effects associated with the proposed action. Opening up most federal lands on the North Spit to recreational uses means that the public whether on foot, horseback or driving a vehicle, will have access much closer to key plover habitat areas on the beach and inland than they now do and therefore more opportunity to violate closures in these areas and disrupt plover nesting activities. Providing improved beach access ramps for use by

walkers, joggers, horseback riders, people with pets, etc. also means that people in vehicles have the potential to use them in violation of the restriction against vehicle use on the beach. With the ongoing need for vehicle use on the ocean beach by personnel legitimately engaged in the New Carissa incident there is no way to provide access to nonmotorized forms of recreation without also providing vehicle access.

Given the continued presence of the stern section and ongoing operations, public interest in getting out on the North Spit is increased beyond what it was for previous nesting seasons. Many of the people now interested in visiting the North Spit would probably not have this interest if the New Carissa stern were not present. More visitors to the North Spit translates into more potential for violations and conflicts with plover nesting attempts. Hopefully the key parts of the management plan such as increased law enforcement presence, road reroute, stricter beach closures, restricting ATV use, building sand berms along the 1998 HRA, constructing road blockades, putting up more signs and rope fences and doing extra public information and education work can offset the potential for negative impacts to the snowy plover

Work on the 1998 HRA project has the potential to disturb nesting plovers in the short term but should have long term beneficial consequences. Conversion of more areas to open sand dune habitat should provide more nesting and brood rearing opportunities for the species in the future. Hopefully this work would help to increase populations and thereby aid in the recovery of the species. Previous habitat restoration projects on the North Spit have been used readily by snowy plovers in the first nesting season after completion.

Providing public access as per the proposed management actions creates a situation where disturbances in plover nesting areas are more likely to occur than if public access to most of the North Spit federal lands remained closed. However keeping the current public land closures in place could result in less public support for snowy plover management on the North Spit. This could ultimately prove to be more harmful to snowy plover conservation efforts over the long term.

Cumulative Effects- The Department of Interior and Department of Commerce jointly defined cumulative effects as those effects of future state or private activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation (USDI and USDC 1986). State lands present within the action area include portions of the ocean beach and tidal areas on the bayside. There are no known actions on adjoining state lands that are reasonably certain to occur. Private landowners with holdings on the North Spit include Weyerhaeuser Company and Roseburg Resources. There has been much speculation about future industrial development on private lands on the North Spit, including a proposed Nucor steel mill. However at this point it would be inaccurate to say that any of these developments are reasonably certain to occur. There have been numerous proposals for new industrial development on the North Spit over many decades but very few have actually been implemented. Therefore there are no cumulative effects associated with the proposed action by BLM and ACOE.

Western Snowy Plover Proposed Critical Habitat-

Direct Effects- Chainsaw work on the 1998 HRA would be a direct effect to proposed critical habitat since there is some potential for disturbance associated with this type of work and a primary constituent element of snowy plover critical habitat is habitats that are protected from disturbance. Similarly the bulldozer work to build road blockades and sand berms and the chainsaw work on the road edges that are all associated with the road reroute around the inland plover areas also would be direct effects to proposed critical habitat. These actions all have the potential to create short term disturbances near habitat areas.

Indirect Effects- Management actions undertaken to improve beach access ramps, allow nonvehicular recreational activities on parts of the ocean beach and provide vehicle access around inland snowy plover areas all could result in indirect effects on the proposed critical habitat. All these actions allow for public access near either plover habitat areas on the ocean beach or inland portions of the North Spit. The public would have the opportunity to violate closures and thereby compromise the ability of the plan to deliver on the intent of providing plover habitats that are protected from disturbance. This is especially true for the plover areas on the ocean beach as the Proposed Rule for snowy plover critical habitat specifically mentioned projects or management activities that cause, induce, or increase human-associated disturbances on beaches as an activity type that could adversely affect proposed critical habitat (USFWS 1995).

Cumulative Effects- As for the western snowy plover and again given the definition of cumulative effects under ESA (USDI and USDC 1986), there are no cumulative effects for proposed action.

BIOLOGICAL ASSESSMENT CONCLUSIONS

Implementation of the proposed management plan for federal lands on the North Spit by the BLM and ACOE would be a may affect, likely to adversely affect for the western snowy plover and western snowy plover proposed critical habitat. Therefore we request formal consultation and formal conferencing for the BLM and ACOE proposed management plan for the North Spit.

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**Appendix A: Final Bayside Access Management Plan and North Spit Update
Educational Bulletin.**

Revised Final

North Spit Interim Access Management- Phase 1- Provide Bayside Access

The strategy for opening up public access to the bayside portion of the North Spit would consist of the following elements:

1. Build a blockade along the bayside road on Army Corps of Engineers land in the SW 1/4 of Section 25 of Township 25 South Range 14 West. The blockade would be designed to prevent all types of traffic from going west on the existing road to the inner part of the North Spit and the snowy plover management areas. Build another blockade on the bayside beach just southeast of the bayside road blockade to prevent vehicle traffic south on the bay beach side.
2. Use the \$40,000 in funding provided by the Responsible Party (RP) to provide law enforcement coverage specific to the North Spit for the duration of the 1999 snowy plover nesting season to ensure compliance with the bayside access plan. The funding provided by the RP for law enforcement is enough to provide the equivalent of 1.5 law enforcement officers for the 1999 season. Most of the law enforcement coverage during the season would be provided by BLM law enforcement officers. Initially most BLM coverage would be provided by Coos Bay District rangers but this would switch to primarily detail BLM rangers later in the season. Coos County Sheriffs deputies would be brought in on weekends to augment the BLM law enforcement presence. It is also possible that Oregon State Police troopers could be brought in to provide some coverage. There would be a law enforcement presence on the North Spit at least 6 days per week and often there will be a presence 7 days per week.
3. Paul Gammon also would conduct patrols to monitor public compliance with the bayside access plan as part of his North Spit monitoring duties. His patrols should generally occur on different days than those where BLM law enforcement officers are on patrol to maximize the number of hours of BLM presence on the North Spit.
4. Erect proper signs clearly explaining to the public what is allowed and what is not allowed under the bayside access plan. At a minimum signs would be placed at the end of the Trans Pacific Highway and by the bayside road block.
5. Generate news releases in conjunction with the International Port of Coos Bay and Oregon Dept. of Fish and Wildlife/Army Corps of Engineers that explain to the public what type of access we are providing and why we are taking the action. The news releases also should clearly indicate all the limitations to the access being provided and a warning that noncompliance would likely result in another closure. If possible a map showing closed vs open areas should accompany the news release.
6. There would not be any restrictions to the bayside access plan with regard to hours of the day that the area is open to public use.

7. Develop an information brochure, pamphlet or newsletter that could be given out to the public on the North Spit. The information provided should clearly explain what is allowed and what is not allowed under the bayside access plan. It should also include a message that the bayside access could be closed off again if there are violations. It also should include a map clearly marking open areas vs closed areas. At a minimum public information should be provided at the end of the Trans Pacific Highway and at the security blockade at the south end of the open area.
8. Run the proposal by representatives for the RP and ensure that they support it and will fund it.
9. Modify the existing BLM emergency closure notice for the North Spit so that it is consistent with the bayside access management strategy.
10. Have an interagency team inspect the road closure/blockade work recently completed by P. Gammon with RP funding on the North Spit (BLM and International Port of Coos Bay land) to insure that it is adequate.
11. Under this plan the bayside of the North Spit would be open to the general public for legitimate recreational uses. Only street legal vehicles would be allowed on the bayside route open under this plan. ATV's would not be allowed access to the area.

North Spit Update

Bulletin

March 25, 1999

Working to Open the North Spit

The Bureau of Land Management is working with the International Port of Coos Bay, Oregon Parks & Recreation Department, Army Corps of Engineers, Oregon Department of Fish & Wildlife, U.S. Fish & Wildlife Service, and the Responsible Party to open the North Spit to public access. Several issues remain:

- crews may still need access to the beach
- decisions for removal of the stern and hazardous materials are still underway
- state and federally listed snowy plovers are currently nesting on the beach.

Our top priority is to open safe, legal access to the North Spit. Your patience and understanding is appreciated by all. Please comply with the closed areas to avoid additional conflicts.

Please Ask Us! If this newsletter doesn't answer your questions, call:



Bureau of Land Management
(541) 756-0100

Frequently Asked Questions

Why is beach access still closed? There is still a potential for cleanup operations and heavy equipment being on the beach. Just as important are nesting snowy plovers. The Bureau of Land Management and the U.S. Fish and Wildlife Service and other agencies are working on a plan that allows access while protecting nesting birds.

Why is the only way to see the wreck through a private for-profit business? Hundreds, if not thousands, of people want to see New Carissa's stern. For the sake of public safety and environmental concerns, it was decided only well-controlled access could be allowed. Since the managing agencies are not in the business of large-scale tours, an inquiry was made to local sand-tour operators to provide tours. Spinreel DuneBuggy Rentals was the only interested business and was authorized to offer tours at their regular rates.

Why is protection of snowy plovers so important? The plover is a state and federally listed threatened species which managing agencies are *required by law* to protect. One of the biggest threats to Oregon's plover population is human disturbance. Plovers nest during summer months on bare sandy beaches. Start with an already small population of birds, add an oil spill and an increase in human visitors to nesting sites, and that spells trouble for the plovers.

Bay-side Road Open to Street Legal Four-Wheel Drive Vehicles

As the first step in reopening the North Spit to historic uses a portion of the Bay-side Road has been opened. **BUT BEWARE!** Access is cut off by high tides. Check tide tables before traveling south on Bay-Side Road (see map on reverse side or information boards).

Until access is resolved, **the only way to view the New Carissa wreck is through Spinreel DuneBuggy tours.**

Western Snowy Plover Concerns

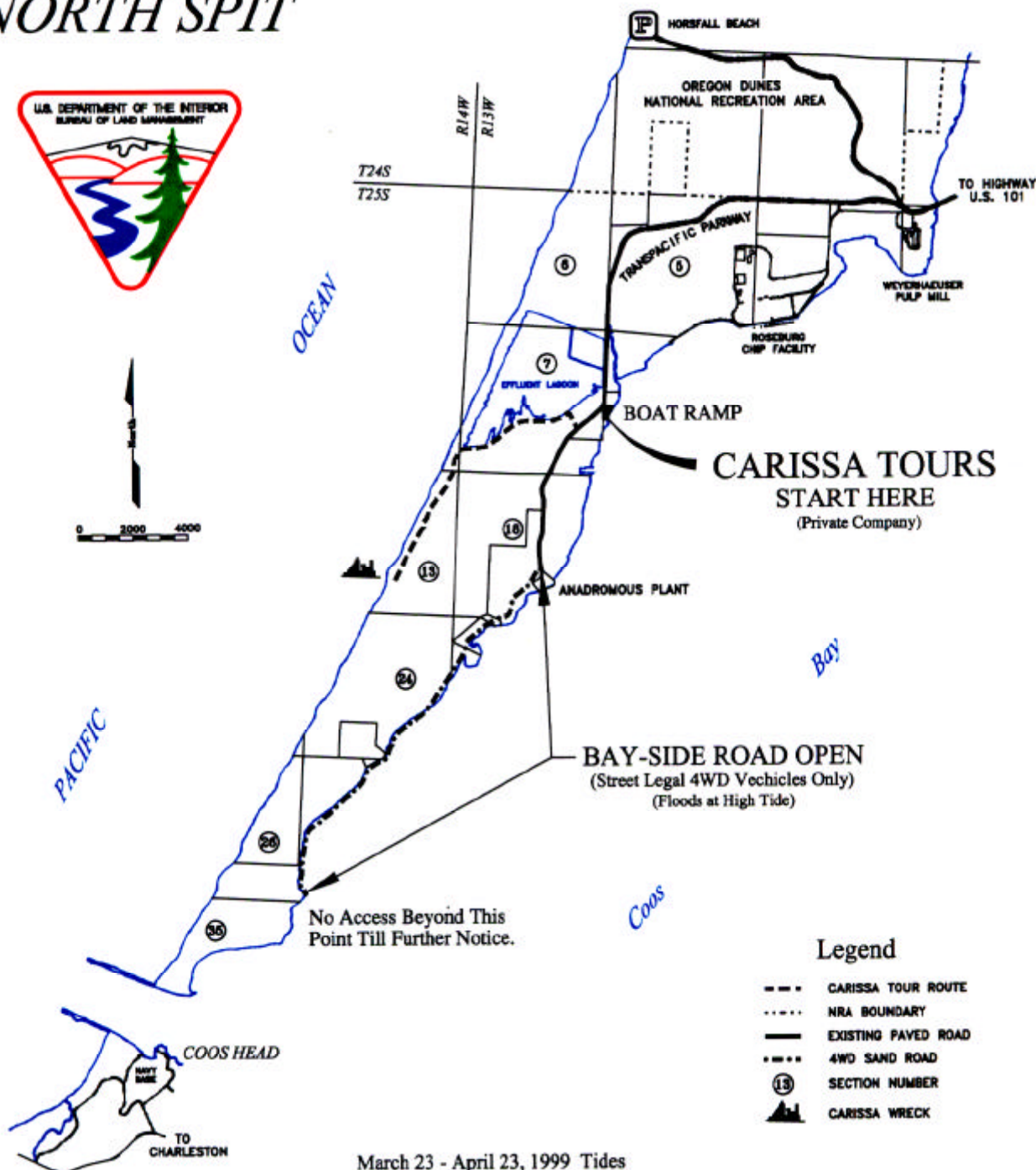
The western snowy plover is a state and federally listed endangered species that nests on sandy beaches from March to September.

Unfortunately, the plover was heavily impacted by the wreck of the New Carissa. It is estimated that over 1/2 of all snowy plovers wintering on the Oregon coast were oiled in the spills.

Human disturbance will further threaten the plover. Please bear with us while we determine a way to share the beach.



NORTH SPIT



Legend

- CARISSA TOUR ROUTE
- NRA BOUNDARY
- EXISTING PAVED ROAD
- 4WD SAND ROAD
- ⑬ SECTION NUMBER
- ▲ CARISSA WRECK

March 23 - April 23, 1999 Tides Tides - Coos Bay, Charleston

Date	High (am)	Low (am)	High (pm)	Low (pm)	Date	High (am)	Low (am)	High (pm)	Low (pm)
	Time Feet	Time Feet	Time Feet	Time Feet		Time Feet	Time Feet	Time Feet	Time Feet
April 8, 1999	5:15am 6.4		7:21pm 5.3	12:29pm 1.0	April 8, 1999	5:15am 6.4		7:21pm 5.3	12:29pm 1.0
April 9, 1999	6:18am 6.2	12:25am 3.6	8:29pm 5.5	1:33pm 1.0	April 9, 1999	6:18am 6.2	12:25am 3.6	8:29pm 5.5	1:33pm 1.0
April 10, 1999	7:32am 6.2	1:44am 3.5	9:25pm 5.8	2:37pm 0.8	April 10, 1999	7:32am 6.2	1:44am 3.5	9:25pm 5.8	2:37pm 0.8
April 11, 1999	8:44am 6.3	2:56am 3.1	10:11pm 6.3	3:33pm 0.6	April 11, 1999	8:44am 6.3	2:56am 3.1	10:11pm 6.3	3:33pm 0.6
April 12, 1999	9:49am 6.6	3:56am 2.4	10:51pm 6.8	4:23pm 0.7	April 12, 1999	9:49am 6.6	3:56am 2.4	10:51pm 6.8	4:23pm 0.7
April 13, 1999	10:47am 7.0	4:49am 1.6	11:30pm 7.3	5:09pm 0.2	April 13, 1999	10:47am 7.0	4:49am 1.6	11:30pm 7.3	5:09pm 0.2
April 14, 1999	11:41am 7.3	5:37am 0.8		5:52pm 0.2	April 14, 1999	11:41am 7.3	5:37am 0.8		5:52pm 0.2
April 15, 1999	12:07am 7.8	6:24am 0.0	12:33pm 7.5	6:34pm 0.4	April 15, 1999	12:07am 7.8	6:24am 0.0	12:33pm 7.5	6:34pm 0.4
April 16, 1999	12:45am 8.3	7:10am -0.7	1:25pm 7.5	7:17pm 0.7	April 16, 1999	12:45am 8.3	7:10am -0.7	1:25pm 7.5	7:17pm 0.7
April 17, 1999	1:24am 8.5	7:57am -1.2	2:17pm 7.3	8:00pm 1.1	April 17, 1999	1:24am 8.5	7:57am -1.2	2:17pm 7.3	8:00pm 1.1
April 18, 1999	2:05am 8.6	8:46am -1.4	3:12pm 7.0	8:46pm 1.6	April 18, 1999	2:05am 8.6	8:46am -1.4	3:12pm 7.0	8:46pm 1.6
April 19, 1999	2:49am 8.4	9:38am -1.4	4:09pm 6.7	9:37pm 2.1	April 19, 1999	2:49am 8.4	9:38am -1.4	4:09pm 6.7	9:37pm 2.1
April 20, 1999	3:37am 8.0	10:33am -1.1	5:12pm 6.3	10:34pm 2.6	April 20, 1999	3:37am 8.0	10:33am -1.1	5:12pm 6.3	10:34pm 2.6
April 21, 1999	4:31am 7.5	11:34am -0.7	6:21pm 6.1	11:43pm 2.9	April 21, 1999	4:31am 7.5	11:34am -0.7	6:21pm 6.1	11:43pm 2.9
April 22, 1999	5:35am 6.9		7:32pm 6.0	12:40pm 0.3	April 22, 1999	5:35am 6.9		7:32pm 6.0	12:40pm 0.3